

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:23-cr-100

vs.

MICHAEL GOODPASTURE,

Defendant.

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

ORDER: (1) DENYING DEFENDANT'S MOTION FOR REVIEW OF DETENTION ORDER (Doc. No. 19); AND (2) AFFIRMING JUDGE GENTRY'S DETENTION ORDER (Doc. No. 10), WHICH REMAINS IN FULL EFFECT

This felony criminal case is before the Court upon Defendant Michael Goodpasture's ("Defendant") motion to reconsider and revoke, pursuant to 18 U.S.C. § 3145(b) (Doc. No. 19), the Order issued by U.S. Magistrate Judge Caroline H. Gentry granting the Government's oral motion for pretrial detention (Doc. No. 10). Defendant is currently in the custody of the U.S. Marshals Service at the Butler County Jail.

Defendant recently entered, and the Court accepted, his plea of guilty to being a felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). Doc. Nos. 25, 26. Defendant seeks a release from his detention while he awaits his sentencing hearing. He states that he accepts responsibility for his offense and hopes to address his underlying substance abuse issues. Doc. No. 19, PageID 44. He explains that he has a long history of substance abuse and believes that his addiction issues are at the root of his criminal history. *Id.* He emphasizes that at the time of his arrest, he was using a wide range of illegal drugs. *Id.* He also has mental health issues and is therefore seeking placing in a dual-diagnosis program like the program offered at Nova House. *Id.*

A defendant may move to revoke or amend a detention order under 18 U.S.C. § 3145(b). *United States v. Hughes*, ---F.Supp. 3d---, No. 3:22-cr-124-1, 2023 WL 2849036, at *2 (S.D. Ohio, Apr. 10, 2023). Review under § 3145(b) is *de novo*. *Id.* A hearing on a § 3145(b) motion is not required. *Id.* (citing *United States v. Romans*, No. 00-5456, 2000 WL 658042, at *1 (6th Cir. May 9, 2000); *United States v. Williams*, No. 2:20-cr-142, 2020 WL 6866404, at *2 (S.D. Ohio Nov. 23, 2020)).

The law applicable to the present *de novo* review of Judge Gentry's Order Detention Order is set forth in *Hughes*, 2023 WL 2849036, at **2-3, and is incorporated herein by reference. Applying this law, including the factors set forth in 18 U.S.C. § 3142(g) and conducting the appropriate *de novo* review, the Court has carefully considered Defendant's motion, his detailed *pro se* letter (Doc. No. 20), Judge Gentry's Detention Order, and the entire record. The Court agrees with Judge Gentry's cogent analysis (Doc. No. 10 at PageID 24-27) and finds (1) there are no conditions (or combination of conditions) of release that would reasonably assure community safety; and (2) Defendant is unlikely to abide by any conditions (or combination of conditions) of release.

Accordingly, Defendant's motion is **DENIED**. Judge Gentry's Detention Order is **AFFIRMED** and remains in full effect.

IT IS SO ORDERED.

February 16, 2024

s/Michael J. Newman

Hon. Michael J. Newman
United States District Judge

cc: U.S. Marshals Service
Dayton, Ohio

U.S. Probation and Pretrial Services
Dayton, Ohio